



FACT SHEET

California Environmental Protection Agency
DEPARTMENT OF TOXIC SUBSTANCES CONTROL



BROWNFIELDS INITIATIVES

March 1998
(Revised 5/2001)

SUMMARY

- P The Department of Toxic Substances Control (DTSC) has created a Brownfields Program using a variety of administrative and legislative tools.
- P Key drivers are the Voluntary Cleanup and Senate Bill (SB) 923 Expedited Remedial Action programs.
- P Brownfields Initiatives are integrated within DTSC's Site Mitigation Program to ensure statewide consistency, flexibility and streamlining.
- P **Prospective Purchaser Policy:** Policy on Prospective Purchaser Agreements (PPAs); includes a model PPA (with covenant not to sue), application form and eligibility criteria.*
- P **CalSites Validation Program:** Reevaluation and update of DTSC's automated database which is used to track properties which may be affected by hazardous substances. Reevaluation of the database was conducted in three years (completed in 1996). Over 22,500 erroneous entries were deleted which removed the Brownfields "stigma."*

BACKGROUND

Brownfields are properties that are contaminated or thought to be contaminated which are underutilized due to perceived remediation costs and liability concerns. When industrial and commercial facilities are built on "Greenfields" (land with no previous commercial or industrial use) roads, sewers, schools, residences and other infrastructure must be developed, and new units of government created to levy the taxes to pay for them. Redundant infrastructure not only wastes scarce tax dollars, it adds to the burden on the environment. Redevelopment of Brownfields properties represents an optimal alternative and is a critical factor in ensuring renewed prosperity in California. To help address Brownfields, DTSC has developed a number of tools and integrated existing tools within the Program.

- P **Voluntary Cleanup Program:** Established in 1993, it allows DTSC to provide oversight to motivated parties to assess and/or cleanup lower priority sites. Teamwork is a key component of this streamlined program.*
- P **Expedited Remedial Action Program (SB 923):** A pilot voluntary cleanup program which provides numerous incentives to responsible parties to accelerate environmental cleanup work. Program is limited to 30 sites which meet specified criteria.*
- P **Private Site Management Program (AB 1876):** Will allow qualified individuals to oversee site assessments and cleanups at less complex hazardous substances sites; implementation scheduled 1998.*
- P **Local Cleanup Agreements (SB 1248):** Formally recognizes local agency cleanup programs allowing local health agencies to enter into written agreements to supervise cleanups, set cleanup goals and provide certification of cleanup completion.*
- P **Management Memo #90-11, Responsible Party - Ownership of Property Over Contaminated Ground Water (December 1990):** Ensures owners of property onto which a plume of contaminated groundwater has migrated that they will not become a target of enforcement or cost recovery action solely on basis of land ownership provided they do not cause or contribute to contamination.
- P **Management Memo #92-4, Approval of a Partial Site Cleanup (April 1992):** Allows issuance of "clean parcel letter" for sites where a designated portion of the property has been cleaned up.

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Brownfields Initiatives

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- P Unified Agency Review of Hazardous Materials Release Sites (AB 2061):** Established Site Designation Committee for designating a single "administering agency" to oversee response actions for a site if petitioned by responsible party; requires coordination of all State and local agencies with jurisdiction and issuance of certificate of completion.*
- P Hazardous Material Liability of Lenders and Fiduciaries (SB 1285):** Provides limited liability exemption for lenders and fiduciaries for releases of hazardous materials on property in which they have a legal interest, but did not "directly" cause or contribute to release or potential release of hazardous substance.
- P Polanco Legislation for Redevelopment Agencies (AB 3193 & SB 1425):** Grants local redevelopment agencies qualified immunity from state or local laws if cleanup is conducted in accordance with a remedial action plan approved by DTSC, Regional Water Quality Control Board or local agency; liability immunity extends to property successors and lenders.
- P Mello-Roos Community Facilities Act Amendments (AB 2610):** Created first long-term financing options for hazardous substances cleanup by empowering Community Facilities Districts to levy special taxes and issue bonds to provide funds for site cleanups.

* *Cal/EPA - DTSC Fact Sheet available.*

To find out more about the California Environmental Protection Agency, Department of Toxic Substances Control's Brownfields Initiatives, contact:

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Additional information is available on Cal/EPA's Internet address:

<http://www.calepa.ca.gov>

or on DTSC's Internet address:

<http://www.dtsc.ca.gov>